

1-1 By: Hegar S.B. No. 1071  
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 4, 2013, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Hinojosa</u>	X		
1-9	<u>Nichols</u>	X		
1-10	<u>Garcia</u>	X		
1-11	<u>Paxton</u>	X		
1-12	<u>Taylor</u>	X		

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to the creation of the Harris County Municipal Utility  
1-16 District No. 532; providing authority to impose a tax and issue  
1-17 bonds; granting a limited power of eminent domain.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-20 Code, is amended by adding Chapter 8443 to read as follows:

1-21 CHAPTER 8443. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 532

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8443.001. DEFINITIONS. In this chapter:

1-24 (1) "Board" means the district's board of directors.

1-25 (2) "Commission" means the Texas Commission on  
1-26 Environmental Quality.

1-27 (3) "Director" means a board member.

1-28 (4) "District" means the Harris County Municipal  
1-29 Utility District No. 532.

1-30 Sec. 8443.002. NATURE OF DISTRICT. The district is a  
1-31 municipal utility district created under Section 59, Article XVI,  
1-32 Texas Constitution.

1-33 Sec. 8443.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-34 REQUIRED. The temporary directors shall hold an election to  
1-35 confirm the creation of the district and to elect five permanent  
1-36 directors as provided by Section 49.102, Water Code.

1-37 Sec. 8443.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-38 temporary directors may not hold an election under Section 8443.003  
1-39 until each municipality in whose corporate limits or  
1-40 extraterritorial jurisdiction the district is located has  
1-41 consented by ordinance or resolution to the creation of the  
1-42 district and to the inclusion of land in the district.

1-43 Sec. 8443.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-44 (a) The district is created to serve a public purpose and benefit.

1-45 (b) The district is created to accomplish the purposes of:

1-46 (1) a municipal utility district as provided by  
1-47 general law and Section 59, Article XVI, Texas Constitution; and

1-48 (2) Section 52, Article III, Texas Constitution, that  
1-49 relate to the construction, acquisition, improvement, operation,  
1-50 or maintenance of macadamized, graveled, or paved roads, or  
1-51 improvements, including storm drainage, in aid of those roads.

1-52 Sec. 8443.006. INITIAL DISTRICT TERRITORY. (a) The  
1-53 district is initially composed of the territory described by  
1-54 Section 2 of the Act enacting this chapter.

1-55 (b) The boundaries and field notes contained in Section 2 of  
1-56 the Act enacting this chapter form a closure. A mistake made in the  
1-57 field notes or in copying the field notes in the legislative process  
1-58 does not affect the district's:

1-59 (1) organization, existence, or validity;

1-60 (2) right to issue any type of bond for the purposes  
1-61 for which the district is created or to pay the principal of and

2-1 interest on a bond;  
 2-2 (3) right to impose a tax; or  
 2-3 (4) legality or operation.

2-4 SUBCHAPTER B. BOARD OF DIRECTORS

2-5 Sec. 8443.051. GOVERNING BODY; TERMS. (a) The district is  
 2-6 governed by a board of five elected directors.

2-7 (b) Except as provided by Section 8443.052, directors serve  
 2-8 staggered four-year terms.

2-9 Sec. 8443.052. TEMPORARY DIRECTORS. (a) On or after the  
 2-10 effective date of the Act enacting this chapter, the owner or owners  
 2-11 of a majority of the assessed value of the real property in the  
 2-12 district may submit a petition to the commission requesting that  
 2-13 the commission appoint as temporary directors the five persons  
 2-14 named in the petition. The commission shall appoint as temporary  
 2-15 directors the five persons named in the petition.

2-16 (b) Temporary directors serve until the earlier of:

2-17 (1) the date permanent directors are elected under  
 2-18 Section 8443.003; or

2-19 (2) the fourth anniversary of the effective date of  
 2-20 the Act enacting this chapter.

2-21 (c) If permanent directors have not been elected under  
 2-22 Section 8443.003 and the terms of the temporary directors have  
 2-23 expired, successor temporary directors shall be appointed or  
 2-24 reappointed as provided by Subsection (d) to serve terms that  
 2-25 expire on the earlier of:

2-26 (1) the date permanent directors are elected under  
 2-27 Section 8443.003; or

2-28 (2) the fourth anniversary of the date of the  
 2-29 appointment or reappointment.

2-30 (d) If Subsection (c) applies, the owner or owners of a  
 2-31 majority of the assessed value of the real property in the district  
 2-32 may submit a petition to the commission requesting that the  
 2-33 commission appoint as successor temporary directors the five  
 2-34 persons named in the petition. The commission shall appoint as  
 2-35 successor temporary directors the five persons named in the  
 2-36 petition.

2-37 SUBCHAPTER C. POWERS AND DUTIES

2-38 Sec. 8443.101. GENERAL POWERS AND DUTIES. The district has  
 2-39 the powers and duties necessary to accomplish the purposes for  
 2-40 which the district is created.

2-41 Sec. 8443.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-42 DUTIES. The district has the powers and duties provided by the  
 2-43 general law of this state, including Chapters 49 and 54, Water Code,  
 2-44 applicable to municipal utility districts created under Section 59,  
 2-45 Article XVI, Texas Constitution.

2-46 Sec. 8443.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-47 52, Article III, Texas Constitution, the district may design,  
 2-48 acquire, construct, finance, issue bonds for, improve, operate,  
 2-49 maintain, and convey to this state, a county, or a municipality for  
 2-50 operation and maintenance macadamized, graveled, or paved roads, or  
 2-51 improvements, including storm drainage, in aid of those roads.

2-52 Sec. 8443.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-53 road project must meet all applicable construction standards,  
 2-54 zoning and subdivision requirements, and regulations of each  
 2-55 municipality in whose corporate limits or extraterritorial  
 2-56 jurisdiction the road project is located.

2-57 (b) If a road project is not located in the corporate limits  
 2-58 or extraterritorial jurisdiction of a municipality, the road  
 2-59 project must meet all applicable construction standards,  
 2-60 subdivision requirements, and regulations of each county in which  
 2-61 the road project is located.

2-62 (c) If the state will maintain and operate the road, the  
 2-63 Texas Transportation Commission must approve the plans and  
 2-64 specifications of the road project.

2-65 Sec. 8443.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
 2-66 OR RESOLUTION. The district shall comply with all applicable  
 2-67 requirements of any ordinance or resolution that is adopted under  
 2-68 Section 54.016 or 54.0165, Water Code, and that consents to the  
 2-69 creation of the district or to the inclusion of land in the

3-1 district.

3-2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-3 Sec. 8443.151. ELECTIONS REGARDING TAXES OR BONDS.

3-4 (a) The district may issue, without an election, bonds and other

3-5 obligations secured by:

3-6 (1) revenue other than ad valorem taxes; or

3-7 (2) contract payments described by Section 8443.153.

3-8 (b) The district must hold an election in the manner

3-9 provided by Chapters 49 and 54, Water Code, to obtain voter approval

3-10 before the district may impose an ad valorem tax or issue bonds

3-11 payable from ad valorem taxes.

3-12 (c) The district may not issue bonds payable from ad valorem

3-13 taxes to finance a road project unless the issuance is approved by a

3-14 vote of a two-thirds majority of the district voters voting at an

3-15 election held for that purpose.

3-16 Sec. 8443.152. OPERATION AND MAINTENANCE TAX. (a) If

3-17 authorized at an election held under Section 8443.151, the district

3-18 may impose an operation and maintenance tax on taxable property in

3-19 the district in accordance with Section 49.107, Water Code.

3-20 (b) The board shall determine the tax rate. The rate may not

3-21 exceed the rate approved at the election.

3-22 Sec. 8443.153. CONTRACT TAXES. (a) In accordance with

3-23 Section 49.108, Water Code, the district may impose a tax other than

3-24 an operation and maintenance tax and use the revenue derived from

3-25 the tax to make payments under a contract after the provisions of

3-26 the contract have been approved by a majority of the district voters

3-27 voting at an election held for that purpose.

3-28 (b) A contract approved by the district voters may contain a

3-29 provision stating that the contract may be modified or amended by

3-30 the board without further voter approval.

3-31 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-32 Sec. 8443.201. AUTHORITY TO ISSUE BONDS AND OTHER

3-33 OBLIGATIONS. The district may issue bonds or other obligations

3-34 payable wholly or partly from ad valorem taxes, impact fees,

3-35 revenue, contract payments, grants, or other district money, or any

3-36 combination of those sources, to pay for any authorized district

3-37 purpose.

3-38 Sec. 8443.202. TAXES FOR BONDS. At the time the district

3-39 issues bonds payable wholly or partly from ad valorem taxes, the

3-40 board shall provide for the annual imposition of a continuing

3-41 direct ad valorem tax, without limit as to rate or amount, while all

3-42 or part of the bonds are outstanding as required and in the manner

3-43 provided by Sections 54.601 and 54.602, Water Code.

3-44 Sec. 8443.203. BONDS FOR ROAD PROJECTS. At the time of

3-45 issuance, the total principal amount of bonds or other obligations

3-46 issued or incurred to finance road projects and payable from ad

3-47 valorem taxes may not exceed one-fourth of the assessed value of the

3-48 real property in the district.

3-49 SECTION 2. The Harris County Municipal Utility District No.

3-50 532 initially includes all the territory contained in the following

3-51 area:

3-52 BEING a 473.9311 acre tract of land situated in Section 69,

3-53 Block 2 of the H. & T.C.R.R. Company Survey, Abstract No. 459 of

3-54 Harris County, Texas, being all of the Northeast 1/4 and a portion

3-55 of the Southeast and Southwest 1/4 of said Section 69, same also

3-56 being all of those certain tracts of land described in an instrument

3-57 to Lynell Freeman, Trustee of the Freeman Family Trust recorded

3-58 under Harris County Clerk's File Number (H.C.C.F. No.) U390809 and

3-59 U390807, excluding the portion of said tracts lying within the

3-60 right-of-way of Farm-to-Market Road 529, said 473.9311 acre tract

3-61 of land being more particularly described by metes and bounds as

3-62 follows:

3-63 BEGINNING at a railroad spike in asphalt found in the

3-64 centerline of Katy-Hockley Cut-Off Road (60-foot width) and

3-65 Longenbaugh Road (60-foot width) for the Northeast corner of said

3-66 Section 69, same being the Southwest corner of Section 57, Block 2

3-67 of the H. & T.C.R.R. Company Survey, Abstract No. 443, the Northwest

3-68 corner of Section 58, Block 2 of the H. & T. C. R.R. Company Survey

3-69 (George Spencer Survey), Abstract No. 1368, the Southeast corner of

4-1 Section 70, Block 2 of the H. & T.C.R.R. Company Survey and the  
 4-2 Southeast corner of the J.E. Cabaniss Survey, Abstract No. 1470  
 4-3 which is out of said Section 70;

4-4 THENCE, S 02° 06' 22" E, a distance of 5,128.30 feet along the  
 4-5 centerline of said Katy-Hockley Cut-Off, the East line of said  
 4-6 Section 69 and the West line of said Section 58 to a point for  
 4-7 corner;

4-8 THENCE, S 87° 53' 38" W, a distance of 30.00 feet to a point  
 4-9 for corner in the North right-of-way line of Farm-to-Market Road  
 4-10 529 (H.C.C.F. No. C351486 & C261186) and from which a found 4"x4"  
 4-11 concrete monument bears N 43° 07' E, 1.27 feet;

4-12 THENCE, S 43° 07' 01" W, a distance of 133.21 feet along the  
 4-13 Northwest cut-back line of the intersection of said Katy-Hockley  
 4-14 Road and Farm-to-Market Road 529 (120-foot width) to a point for  
 4-15 corner in the North right-of-way line of said Farm-to-Market Road  
 4-16 529;

4-17 THENCE, S 87° 53' 30" W, a distance of 5,045.90 feet along the  
 4-18 North right-of-way line of said Farm-to-Market Road 529 to a 4"x4"  
 4-19 concrete monument found for the Southeast corner of the Northeast  
 4-20 cut-back of the intersection of said Farm-to-Market Road 529 and  
 4-21 Katy-Hockley Road;

4-22 THENCE, N 47° 06' 59" W, a distance of 135.29 feet along the  
 4-23 Northeast cut-back line of the intersection of said Farm-to-Market  
 4-24 Road 529 and Katy-Hockley Road to a point for corner in the East  
 4-25 right-of-way line of said Katy-Hockley Road (60-foot width) and  
 4-26 from which a found concrete monument bears S 40° 50' E, 3.13 feet;

4-27 THENCE, S 87° 58' 20" W, a distance of 30.00 feet to a point  
 4-28 for corner in the centerline of said Katy-Hockley Road (60-foot  
 4-29 width) and being in the West line of said Section 69;

4-30 THENCE, N 02° 01' 40" W, a distance of 2,490.97 feet along the  
 4-31 West line of said Section 69 and the centerline of said Katy-Hockley  
 4-32 Road (60-foot width) to a 5/8-inch iron rod found for the Northwest  
 4-33 corner of the Southwest 1/4 of said Section 69, same being the  
 4-34 Southwest corner of a called 1.00 acre tract described in an  
 4-35 instrument filed for record under H.C.C.F. No. D748274;

4-36 THENCE, N 88° 02' 19" E, along the North line of the Southwest  
 4-37 1/4 of said Section 69, the South line of said 1.00 acre tract and  
 4-38 the South line of a called 158.167 acre tract described in an  
 4-39 instrument filed for record under H.C.C.F. No. 20110061749, at  
 4-40 distance of 30.00 pass the East right-of-way line of said  
 4-41 Katy-Hockley Road, at a distance of 313.00 feet pass the Southeast  
 4-42 corner of said 1.0 acre tract and a Southwest corner of said 158.167  
 4-43 acre tract and continuing for a total distance of 2,645.41 feet to a  
 4-44 point for the Northeast corner of the Southwest 1/4 of said Section  
 4-45 69, the Southwest corner of the Northeast 1/4 of said Section 69,  
 4-46 the Northwest corner of the Southeast 1/4 of said Section 69, same  
 4-47 also being the Southeast corner of said 158.167 acre tract;

4-48 THENCE, N 02° 01' 40" W, a distance of 2,642.89 feet along the  
 4-49 East line of said 158.167 acre tract and the West line of the  
 4-50 Northeast 1/4 of said Section 69 to a point for the Northwest corner  
 4-51 of the Northeast 1/4 of said Section 69, same being the Northeast  
 4-52 corner of said 158.167 acre tract, the most Southerly Southwest  
 4-53 corner of said J.E. Cabaniss Survey, Abstract No. 1470, the  
 4-54 Southeast corner of a called 75.308 acre tract of land described in  
 4-55 an instrument filed for record under H.C.C.F. No. T291060, the  
 4-56 Southeast corner of the G.H. Holley Survey, Abstract 1480 and the  
 4-57 most Southerly Southwest corner of a called 400 acre tract of land  
 4-58 described in an instrument to Jesse L. Freeman filed for record  
 4-59 under Volume 1212, Page 482 of the Harris County Deed Records;

4-60 THENCE, N 87° 54' 21" E, a distance of 2,643.72 feet along the  
 4-61 South line of said 400.00 acres, the South line of said J.E.  
 4-62 Cabaniss Survey, Abstract No. 1470 and the North line of the  
 4-63 Northeast 1/4 of said Section 69 to the POINT OF BEGINNING and  
 4-64 containing 473.911 acres of land.

4-65 SECTION 3. (a) The legal notice of the intention to  
 4-66 introduce this Act, setting forth the general substance of this  
 4-67 Act, has been published as provided by law, and the notice and a  
 4-68 copy of this Act have been furnished to all persons, agencies,  
 4-69 officials, or entities to which they are required to be furnished

5-1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-2 Government Code.

5-3 (b) The governor, one of the required recipients, has  
5-4 submitted the notice and Act to the Texas Commission on  
5-5 Environmental Quality.

5-6 (c) The Texas Commission on Environmental Quality has filed  
5-7 its recommendations relating to this Act with the governor, the  
5-8 lieutenant governor, and the speaker of the house of  
5-9 representatives within the required time.

5-10 (d) All requirements of the constitution and laws of this  
5-11 state and the rules and procedures of the legislature with respect  
5-12 to the notice, introduction, and passage of this Act are fulfilled  
5-13 and accomplished.

5-14 SECTION 4. (a) If this Act does not receive a two-thirds  
5-15 vote of all the members elected to each house, Subchapter C, Chapter  
5-16 8443, Special District Local Laws Code, as added by Section 1 of  
5-17 this Act, is amended by adding Section 8443.106 to read as follows:

5-18 Sec. 8443.106. NO EMINENT DOMAIN POWER. The district may  
5-19 not exercise the power of eminent domain.

5-20 (b) This section is not intended to be an expression of a  
5-21 legislative interpretation of the requirements of Subsection (c),  
5-22 Section 17, Article I, Texas Constitution.

5-23 SECTION 5. This Act takes effect immediately if it receives  
5-24 a vote of two-thirds of all the members elected to each house, as  
5-25 provided by Section 39, Article III, Texas Constitution. If this  
5-26 Act does not receive the vote necessary for immediate effect, this  
5-27 Act takes effect September 1, 2013.

5-28

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